

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Badavath Meenakshi D/o Dhansingh by the Collector & District Magistrate, Adilabad District vide Procgs. Rc.No.C3/2596/2019-18, dated 28.01.2020 - Appeal filed by Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 9

Dated: 20-01-2021
Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procgs.Rc.No C3/2596/2019-18, dt.28.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District, dated 10.02.2020.
4. Govt.Memo.No.226/TW.LTR/2020, dated 13.03.2020
5. Lr.Rc.No.D5/309/2018, dated: 14.07.2020 of District Collector, Adilabad.
6. Notice No.226/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has issued orders declaring that the appellant Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.6.2018 basing on the following findings of the Scrutiny Committee:

- Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District has appeared before the Committee on 30.11.2019 and 02.12.2019 and submitted the following documents:
 - Family Tree.
 - Theen Saal Pahani pertaining to 1958-61.
 - Pahanies for the year 1971-72, 1972-73, 1976-77, 1977-78, 1978-79, 1979-80, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, 1998-99, 1999-2000, 2004-05 and 2004-5.
 - New PPB T 13180090067.
 - 1977 Voter's list of Narsapur-B, Part No.90, 243 Khanapur Assembly Constituency.
- Scrutiny Committee has finally concluded with the following findings:
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- The applicant has produced documentary evidence only from 1958-59 and from 1971-72. The applicant has not submitted any documentary evidence in spite of giving sufficient time to produce the documentary evidences to prove residence of her forefathers from 1950.
- In view of the above, the family members of the applicant are not residing continuously in the Agency Scheduled Areas since 1950 or before.
- A show cause notice was issued to Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal to attend before the District Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, B.Meenakshi D/o Dhansingh had attended before the District Collector, Adilabad on 28.01.2020 and produced documentary evidences only from 1958-59.
- After verification of the documentary evidences, it was revealed that the applicant has no evidence to prove her continuous residence in Agency area since 1950.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District, has filed Appeal before the Government under G.O.Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018. The contentions of Appellant Badavath Meenakshi D/o Dhansingh are as follows:

- She has been selected for the post of Secondary Grade Teacher (SGT) against ST Local vacancy in Adilabad Agency Area.
- They do not have any land record pertaining to the year 1950 but having record from 1958. Their family has been residing in Jaithram thanda of Narsapur-B village from before 1950. Their ancestors worked as labour for about 10 years at Jaitramnaik S/o Nanda. The documents produced by her are true. Village elders declaration is also enclosed.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the District Collector, Adilabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020, and submitted the documents as submitted along with Appeal Petition.

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7. Verified the documentary evidences available on record sent by the District Collector, Adilabad, documentary evidences produced by the Appellant along with the Appeal and during hearing on 5.9.2020.

8. The District Collector, Adilabad has declared the appellant as not local ST of the agency area of Adilabad District as she failed to produce documentary evidence from 1950 but produced evidences only from 1958 to 1971-72. Therefore, the following documents have been verified for the remaining period:

- Pahanies 1972-73, 1976-77, 1977-78 – village: Narsapur-K – Utnoor Taluq – Adilabad District – show names of Bhadram S/o Amru (grandfather of appellant) for an extent of 7.00 acres and also name of Kishan S/o Bhadram (i.e. eldest brother of father of appellant).
- Pahani 1978-79 – village: Narsapur-K – Utnoor Taluq – Adilabad District – shows name of Bhadram S/o Amru (grandfather of appellant) for an extent of acs.4.20 gts in Sy.No.3/PP.
- Pahani 1979-80 – village: Narsapur-K – Taluq: Utnoor – shows name of Kishan S/o Bhadram (eldest brother of father of appellant).
- Pahani 1985-86 – village: Narsapur-K – Taluq: Utnoor – shows name of Bhadram S/o Amru (grandfather of appellant) for an extent of acs.7.00 in Sy.No.3/A (Laoni patta).
- Pahanies 1986-87 (Sy.No.3/A), 1987-88 (Sy.No.3/A), 1988-89 (Sy.No.3/A), 1989-90 (Sy.No.3/A), 1991-92 (Sy.No.3/A), 1992-93 (Sy.No.3/A), 1993-94 (Sy.No.3/31) – village: Narsapur-K – Mandal: Utnoor – shows name of Bhadram S/o Amru (grandfather of appellant) for an extent of acs.7.00.
- Pahani 1994-95, 1995-96, 1996-97 – village: Narsapur-K – Mandal: Utnoor – show names of 1) Jadhav Kishan S/o Bhadram (brother of father) for an extent of acs.11.00 in Sy.No.3/29; 2) Jadhav Bhadram S/o Amru (grandfather of appellant) for an extent of acs.7.23 in Sy.No.3/31 and 3) Jadhav Dharmubai W/o Bhadram (grandmother of appellant) for an extent of acs.10.11 in Sy.No.3/32.
- Pahani 1998-99, 1999-2000 – village: Narsapur-K – Mandal: Utnoor – show names of 1) Jadhav Baliram S/o Amru (grandfather of appellant) for an extent of acs.7.23 in Sy.No.3/31 and 2) Jadhav Dharmubai W/o Baliram (grandmother of appellant) for an extent of acs.10.11 in Sy.No.3/32.
- Pahani 2004-05 – village: Narsapur-K – Mandal: Utnoor – show names of 1) Jadhav Kishan S/o Baliram (brother of father) for an extent of acs.11.00 in Sy.No.3/29 2) Jadhav Baliram S/o Amru (grandfather of appellant) for an extent of acs.7.23 in Sy.No.3/31 and 3) Jadhav Dharmubai W/o Baliram (grandmother of appellant) for an extent of acs.10.11 in Sy.No.3/32.
- PPB bearing No.T13180090067 – Khata No.86 – issued to Sri Badadvath Dhansingh S/o Bhadram (father of appellant) by

Tahsildar, Utnoor – issued on 10.04.2018 – stands patta to an extent of acs.3.32 in Sy.No.3/31 in Narsapur (K) village of Utnoor Mandal (land inherited).

- Voter list for the year 1971 – Part No.161 – show names of 1) Bhadram S/o Amru and 2) Dharmubai W/o Bhadram (grandparents of appellant) at Sl.Nos.449 and 450 under H.No.3-28 of Narsapur-B village.
- Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.90 – Narsapur-B village – Firka: Utnoor – Taluq: Utnoor – show names of 1) Jadhav Bhadram S/o Amru and 2) Dharmubai W/o Bhadram (grandparents of appellant) at Sl.Nos.418 and 419.
- Self Declaration by appellant Badvath Meenakshi duly notarized by Sri Ghanshyam Lal Gupta, Advocate & Notary Public, appointed by Govt. of Telangana, Utnoor – wherein she stated that she has filed Pahani Patrak from 1958 to 2005 and voter list of her grandfather Sri Bhadram S/o Amru for the years 1971 (Sl.No.449) and 1977 (Sl.No.418) and new PPB of his father bearing Sy.No.3/31. She could not file any documentary proof from 1950 to 1957 as her grandfather Sri Bhadram S/o Amru had worked as Farm Servant for 10 years i.e. before 1950 under land owner Shri Jaithram who is having lands in Sy.No.95 and 96 at Narsapur_B Jaithramthanda of Utnoor Tauq. After 10 years, he cultivated his own land at Narsapur-K in the year 1958.
- Declaration by Sri Jadhav Devujinaik S/o Jaithram, aged: 80 years R/o Jaithramthanda, Narsapur-B of Utnoor Mandal – wherein he stated that Sri Bhadram S/o Amru R/o Jaithram thanda, Narsapur-B village worked in the farms of his father Sri Jaithram Nayak S/o Nanda in Sy.No.95,96 – for about 10 years and later cultivating his own land. This is a fact known to all in the village and that he has been residing in Jaithramthanda village from before 1950.
- Declaration by Sarpanch, GP Jaithramtanda – she stated that Sri Bhadram S/o Amru and his parents are the residents of Jaithramthanda of Utnoor Mandal since 1950. Sri Bhadram had worked as Farm Servant under Sri Jaithramnayak S/o Nanda in his lands in Sy.No.95,96 and later from 1958 he has been cultivating his own land and his name came into land records from 1958 onwards. Thus, the Sarpanch declared Sri Bhadram S/o Amru have been continuously residing in Jaithram thanda village of Narsapur-B, Mandal: Utnoor in Adilabad District from before 1950.
- PESA Gram Sabha resolution – village: Jaithramtanda, Narsapur-B, Mandal: Utnoor – wherein the Vice-President and Secretary of the PESA Gramsabha committee also confirmed the declaration of the Sarpanch, GP Jaithramtanda.

9. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 5.9.2020 and also in the light of the interim

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orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, it is found that the Appellant and her forefathers are the continuous residents of Narsapur-B, an agency village in Utnoor Mandal of Adilabad District since 26.1.1950.

10. Accordingly, the orders issued by the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-18, dt.28.01.2020 declaring the appellant as not a local ST of agency area of Adilabad, are hereby set-aside and allowed the Appeal filed by Badavath Meenakshi D/o Dhansingh R/o Narsapur-B village of Utnoor Mandal, Adilabad District, declaring her as a Agency Area Local ST Narsapur-B village of Utnoor Mandal since 26.1.1950.

11. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Badavath Meenakshi D/o Dhansingh R/o Narsapur-B (Vg) of Utnoor Mandal of Adilabad District in Adilabad District.

Copy to:

- 1.The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
- 2.The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
- 3.The District Educational Officer, Adilabad (for information & necessary action)
- 4.The PS to Hon'ble Minister for ST Welfare for information.
- 5.The PS to Secretary (TW)
- 6.The PS to Special Secretary (TW)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER